IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 13427 of 2004**

Between:

B.Suvarnalatha, W/o.P.Anjaiah,
R/o.Gadiyapudi village, Maddipadu Mandal, Prakasam Dist.

**..... PETITIONER**

AND

1 The Dist.Collector, prakasam Dist. at Ongole.
2 The Revenue Divisional officer, Ongole, Prakasam Dist.
3 The M.R.O.,Maddipadu Mandal, Prakasam Dist.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the respondents in continuing the authorisation of the petitioner under suspension for nearly one year vide proceedings Rc.C.1232/03, dated 2-9-2003 without conducting even enquiry for nearly one year and further action of the respondents in taking steps for appointing a regular F.P.shop dealer in the place of the petitioner as highly illegal, arbitrary and violative of Art.14 and 21 of the Constitution of India and also contrary to the provisions of A.P.Schedule commodities (Regulation of Distribution by Card system) order 1973 and violative of principles of natural justice.

**Counsel for the Petitioner: MR.G.V.SHIVAJI**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

The Court at the admission stage made the following :

**THE HONOURABLE MS.JUSTICE G.ROHINI**

**WRIT PETITION NO.13427 OF 2004**

**ORDER:**

The petitioner was appointed as an authorized dealer of the fair price shop of Gadiapudi village in the year 1992. Her authorisation was suspended by the Revenue Divisional Officer, Ongole by proceedings dated 2.9.2003 pending enquiry into certain alleged irregularities. However, the enquiry has not been concluded so far. Hence, this Writ Petition questioning the inaction on the part of the respondents.

I have heard the learned counsel for the petitioner and the learned Government pleader appearing for the respondents.

The learned counsel for the petitioner vehemently contended that all the allegations made against the petitioner are false and without any basis and that suspension of the authorization of the petitioner without affording an opportunity to rebut the allegations is arbitrary and illegal. It is also contended that having initiated the enquiry as long back as in September, 2003, the respondents are not justified in not concluding the same so far.

Admittedly, the authorization of the petitioner was suspended pending enquiry. Hence, it cannot be said that the order dated 2.9.2003 is bad for want of prior notice. However, as rightly contended by the learned counsel for the petitioner the second

respondent is not justified in keeping the enquiry pending from September, 2003 onwards Particularly in view of the fact that the authorisation of the petitioner has been suspended pending enquiry. It has been held by the Courts time and again that the suspension pending enquiry should not be allowed to continue for an unduly long period.

Having regard to the facts and circumstances, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to complete the enquiry initiated against the petitioner and to pass appropriate orders in accordance with law after affording an opportunity of personal hearing to the petitioner, as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. Till the enquiry is completed and appropriate orders are passed by the Revenue Divisional Officer, there shall be a direction to the respondents not to make any permanent appointment in respect of the shop in question.

The writ petition is accordingly disposed of. No costs.

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**(G.ROHINI,J)**

Date: 20.9.2004.

Mdaa.

Copy to:

1 The Dist.Collector, prakasam Dist. at Ongole.
2 The Revenue Divisional officer, Ongole, Prakasam Dist.
3 The M.R.O.,Maddipadu Mandal, Prakasam Dist.

4. Two C.Cs to G.P. for Civil Supplies, High court of A.P., Hyderabad (OUT)

5. Two C.D.copies.